



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,221	11/18/2003	Peter Andrea	LZLO-01009US0	6030
28554 7590 08/09/2007 VIERRA MAGEN MARCUS & DENIRO LLP 575 MARKET STREET SUITE 2500 SAN FRANCISCO, CA 94105			EXAMINER NGUYEN, CAO H	
			ART UNIT 2173	PAPER NUMBER
			MAIL DATE 08/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/717,221

Applicant(s)

ANDREA ET AL.

Examiner

Cao (Kevin) Nguyen

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 and 33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1 and 33 are not tangible. The preamble of independent claims 1 and 33 recite "A method for managing software program applications, comprising: ", which is directed to software, per se, lacking any hardware to enable any functionality to be realized. The claimed features and elements of independent claims 1, 8, 18, 24 and 30 do not include hardware components or features that are necessarily implemented in hardware.

Therefore, the claimed features of claims 1 and 33 are actually a software, or at best, directed to an arrangement of software, and software claimed by itself, without being executed or implemented on a computer medium, is intangible.

To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of the applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

Art Unit: 2173

patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Taylor et al.(US Patent No. 7,013,431).

Regarding claim 1, Taylor discloses a method for managing applications, comprising displaying a set of applications, said set of applications includes at least a first application and a second application [...typical computer display interfaces, GUI's of single applications, operating system presentation of multiple windows from multiple applications, sources or programming from recorded media, or windows and/or content associated with streaming through the Internet; see col. 2, lines 1-26]; changing a display of said first application [...change to the size or reposition; see col. 4, lines 35-64]; and automatically changing a display of said second application in response to said changing of said display of said first application [...automatically as the selected and/or impacted windows are re-sized, the content of each window may be automatically scaled, preserving "full" visibility of the contents. That is, the contents of the various windows remain in full view, scaled; see col. 5, lines 1-5].

Regarding claim 2, Taylor discloses wherein said step of changing said display of said first application includes changing a size of said display of said first application; and said step of changing said display of said second application includes changing a position or size of said display of said second application (see col. 6, lines 1-18).

Regarding claim 3, Taylor discloses wherein said step of changing said display of said first application includes changing a position of said display of said first application; and

Art Unit: 2173

said step of changing said display of said second application includes changing a position or size of said display of said second application (see col. 6, lines 45-61).

Regarding claim 4, Taylor discloses applications each are displayed in a display area that is fixed in size (see col. 7, lines 15-64 and figures 3-4).

Regarding claim 5, Taylor discloses wherein said applications include a third application; and said first application and said second application are displayed within said third application (see col. 10, lines 9-37).

Regarding claim 6, Taylor discloses wherein said step of changing a display of said first application is performed in response to a user dragging a portion of an object (see col. 11, lines 30-62)..

Regarding claim 7, Taylor discloses wherein said step of automatically changing said display of said second application comprises determining an effect of changing said display of said first application on said second application; determining whether said effect is allowed; and changing said display of said second application if said effect is allowed (see col. 12, lines 18-59).

Regarding claim 8, Taylor discloses wherein said step of changing a display of said first application comprises determining whether said changing of said display is allowed (see figures 11-12)

Regarding claim 9, Taylor discloses creating user interface items for said set of applications; creating a layout object for a parent application; providing each user interface item with a pointer to call one or more functions if corresponding applications change; providing

Art Unit: 2173

displays for said user interface items; and running said corresponding applications (see col. 13, lines 10-56).

Regarding claim 10, Taylor discloses wherein said step of automatically changing said display of said second application comprises determining that a vertical positioning of said display of said first application has changed; and adjusting vertical positioning of siblings to said first application in a vertical relationship with said first application (see figures 12-14).

Regarding claim 11, Taylor discloses wherein said step of automatically changing said display of said second application comprises determining that a horizontal positioning of said display of said first application has changed; and adjusting horizontal positioning of siblings to said first application in a horizontal relationship with said first application (see col.14, lines 25-67).

Regarding claim 12, Taylor discloses wherein said step of automatically changing said display of said second application comprises determining that a width of said display of said first application has changed; changing a column width of a first display column that includes said display of said first application; and changing widths of displays in said first display column based on said column width of said first display column (see col. 11, lines 13-62 and figures 8-10).

Regarding claim 13, Taylor discloses wherein said step of automatically changing said display of said second application comprises determining that a width of said display of said first application has changed; changing a column width of a first display column that includes said display of said first application; changing widths of displays in said first display column based on said column width of said first display column; changing a column width of a

Art Unit: 2173

second display column that neighbors said first display column; and changing widths of displays in said second display column based on said column width of said second display column (see figures 2-8).

Regarding claim 14, Taylor discloses wherein said step of automatically changing said display of said second application comprises determining that a vertical size of said display of said first application has changed; dividing remaining area among siblings; and adjusting sizes of siblings based on said step of dividing (see col. 4, lines 19-65).

Regarding claim 15, Taylor discloses wherein said first application is a member of a group, members of said group have a predefined relationship within said group; said step of automatically changing said display of said second application is performed to maintain said predefined relationship (see figures 13-16).

Regarding claim 16, Taylor discloses first application and automatically changing application comprise receiving a selection of said first application; enlarging said display of said first application and placing said display of said first application in a featured location; and resizing and positioning displays of siblings of said first application, including said second application, to fit within an existing space based on a predefined relationship (see col. 6, lines 1-42)

Regarding claim 17, Taylor discloses wherein said steps of changing a display of said first application and automatically changing said display of said second application comprise determining that said display of said first application will overlap with one or more siblings; determining that displays of said one or more siblings can be resized; and

Art Unit: 2173

automatically resizing said displays of said one or more siblings to maintain minimum separation (see col. 8, lines 53-67).

Regarding claim 18, Taylor discloses wherein said steps of changing a display of said first application and automatically changing said display of said second application comprise determining that said display of said first application will overlap with one or more siblings; determining that not all displays of said one or more siblings can be resized; and limiting said resizing of said display of said first application so that displays of all overlapping siblings can be resized (see col. 14, lines 10-55 and figures 12-14).

Regarding claim 19, Taylor discloses wherein said steps of changing a display of said first application and automatically changing said display of said second application comprise determining that said display of said first application will overlap with one or more siblings; determining that not all displays of said one or more siblings can be fully resized, partially resizing displays that cannot be fully resized; and resizing neighbors to displays that cannot be fully resized (see figures 3-6).

Regarding claim 20, Taylor discloses said first application and automatically changing said display application comprise removing said display of said first application; and adjusting remaining displays of siblings to said first application based on a proportional size (see col. 6, lines 28-61).

Regarding claim 21, Taylor discloses wherein said steps of changing a display of said first application and automatically changing said display of said second application comprise determining whether said display of said first application fits in an existing free space; determining whether potentially overlapping neighbors for said first application can be moved;

Art Unit: 2173

and determining whether potentially overlapping neighbors for said first application can be resized (see col. 12, lines 35-55).

Regarding claim 22, Taylor discloses wherein said steps of changing a display of said first application and automatically changing said display of said second application comprise determining whether said display of said first application fits in an existing free space; determining whether potentially overlapping neighbors for said first application can be moved; automatically moving said potentially overlapping neighbors, display for said second application; and including said adding said display for said first application (see figures 12-14).

Regarding claim 23, Taylor discloses wherein said steps of changing a display of said first application and automatically changing said display of said second application comprise determining whether said display of said first application fits in an existing free space; determining whether potentially overlapping neighbors for said first application can be resized; resizing said potentially overlapping neighbors, including said display for said second application; and adding said display for said first application (see col. 13, lines 10-56).

Regarding claim 24, Taylor discloses wherein step of automatically changing said display of said second application includes preventing said display of said first application from overlapping with said display of said second application (see col. 14, lines 10-45).

Regarding claim 25, Taylor discloses wherein said step of automatically changing said display of said second application includes determining that said display of said second application is below a predetermined size threshold and changing said display of said second application into an icon (see col. 6, lines 62-67 and figures 2-3).

Art Unit: 2173

Regarding claim 26, Taylor discloses displaying a set of applications in a display area, said set of applications includes at least a first application and a second application; changing a size or position of said first application; and automatically changing a size or position of said second application in response to said changing of said size or position of said first application so that display of said first application does not conflict with display of said second application (see col. 6, lines 43-61 and figures 2-3).

As claims 27-32 are analyzed as previously discussed with respect to claims 9-13 above.

Regarding claim 33, Taylor discloses receiving a request to change a display of a first application displayed in a display area; determining how one or more displays for one or more other applications should change in response to changing said display of said first application in order to avoid conflict with said display of said first application (see figures 2-4); changing said display of said first application; and automatically changing said one or more displays for said one or more other applications that should change in response to changing said display of said first application in order to avoid conflict with said display of said first application (see figures 12-14).

Regarding claim 34, Taylor discloses wherein said step of receiving a request includes a user dragging a portion of a window (see col. 11, lines 40-62).

Regarding claim 35, Taylor discloses wherein said conflict to be avoided includes avoiding said display of said first application overlapping with said one or more displays for said one or more other applications that should change (see figures 13-14).

Regarding claim 36, Taylor discloses wherein said conflict to be avoided includes avoiding said display of said first application overlapping, in a manner that is not allowed, with said one or more displays for said one or more other applications that should change (see col. 12, lines 18-59).

Regarding claim 37, Taylor discloses wherein said step of determining includes determining how to adjust said one or more displays for said one or more other applications to avoid said display of said first application overlapping with said one or more displays for said one or more other applications (see figures 12-14).

Regarding claim 38, Taylor discloses further comprising determining whether said change to said display of said first application is allowed; and denying said change to said display of said first application if said change to said display of said first application is not allowed (see col. 13, lines 10-56).

Regarding claim 39, Taylor discloses wherein said one or more other applications includes a second application; and said step of changing said one or more displays for said one or more other applications includes determining how to change a display of said second application to avoid overlapping with said display of said first application, determining that said change to said display of said second application is not allowed and denying said change to said display of said first application (see figures 13-14).

Regarding claim 40, Taylor discloses one or more other applications includes a second application; and said step of changing said one or more displays for said one or more other applications includes determining how to change a display of said second application to avoid overlapping with said display of said first application, determining that

Art Unit: 2173

said change to said display of said second application causes said display of said second application to become too small and changing said display of said second application to an icon in response to determining that said change to said display of said second application causes said display of said second application to become too small (see col. 10, lines 8-64).

As claims 41-50 are analyzed as previously discussed with respect to claims 33-40 above.

Regarding claim 51-53, Taylor discloses requesting content from a server via a network, said content includes said set of software program applications; accessing said content in response to said step of requesting by retrieving a mark-up language description of said content and compiling said mark-up language description to produce executable code used to perform said step of displaying, said accessing is performed by said server; and receiving said content from said server, said step of displaying is performed subsequent to said step of receiving said content (see col. 16, lines 41-59).

Response to Arguments

Applicant's arguments filed on 05/25/07 have been fully considered but they are not persuasive.

On page 16 of the remark; Applicant argues that Taylor does not teach or suggest automatically changing a display of said second application in response to said changing of said display of said first application. The Examiner respectfully disagrees. As shown in Figures 1-2, Taylor broadly teaches the end users to interact with the interface, having particular application to the delivery of multi-media programming and/or content, as well as processes for

Art Unit: 2173

automatically re-sizing and/or repositioning cells of the EUI. Windows are referred as software application; as recited in col. 2, lines 8-26.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an application is defined as any stand-alone piece of functionality that can be viewed, modified, or interacts with a set of data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

On page 17 of the remark; Applicant argues that Taylor does not teach or suggest displaying the applications within a web browser. The Examiner respectfully disagrees. As shown in Figures 3-5. Client device and server are coupled to each other via one or more private and/or public networks, including e.g. the Internet; as recited in col. 16, lines 8-26.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

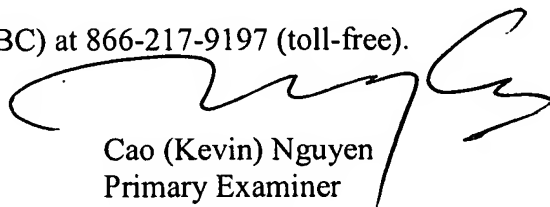
Art Unit: 2173

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

08/02/07